

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO.264 OF 2016
IN
FAMILY COURT APPEAL NO.184 OF 2015**

Mohammed Khalid Bashir Husain Usmani ... Applicant
v/s
Ms Darakshan d/o Nasim Akhtar Lari and
others ... Respondents

**WITH
CIVIL APPLICATION NO.279 OF 2015
IN
FAMILY COURT APPEAL NO.184 OF 2015**

Ms Darakshan d/o Nasim Akhtar and others ... Applicants
v/s
Mohammed Khalid Bashir Husain Usmani ... Respondent

Mr Sajan Oommen i/b Ms Ghazala Zubair Khan for Applicant in CA No.264 of 2016 and for Respondent in CA No.279 of 2015.
Mr A.A. Maniyar for Respondent in CA No.264 of 2016 and for Applicants in CA No.279 of 2015.

**CORAM: A.S. OKA AND
SMT ANUJA PRABHUDESSAI JJ.**

DATE : 6TH DECEMBER 2016.

P.C. :-

1. The learned counsel appearing for the parties have tendered consent terms in Civil Application No.279 of 2015. The consent terms are duly signed by the Applicant No.1 and the Respondent and their respective Advocates. The Applicant No.1 and the Respondent in Civil Application No.279 of 2015 are personally present in Court. They accept the correctness of the contents of the consent terms and through their respective counsel, they state that they have voluntarily signed the said consent terms. The learned counsel appearing for Applicants in Civil application No.279 of 2015 states that in view of arrangement agreed between the parties under the consent terms, at this stage, he is not pressing for any relief in the Civil Application. In view of these consent terms, clause (3) of the operative part of the decree cannot be executed. The learned counsel appearing for Applicant in Civil Application No.264 of 2016 states that in view of consent arrangement agreed upon in the consent terms tendered today in Civil Application No.279 of 2015, he is not pressing Civil Application and he may be allowed to

withdraw the same with liberty to file a fresh Civil Application in future, if an occasion arises.

2. The Applicant No.1 in Civil Application No.279 of 2015 and the Respondent have also agreed in clause (5) of the consent terms that Contempt Petition No.107 of 2015 and Contempt Petition (St) No.16051 of 2016 shall be withdrawn and not prosecuted by the parties.

3. In any event, in view of the interim arrangement made by the parties which is reflected in the consent terms tendered on record, an action for contempt of Court need not be initiated.

4. Accordingly, we pass the following order :

The consent terms are taken on record and marked 'X-2' for identification. The undertakings and statements made by the parties are accepted. The arrangement reflected from the consent terms shall continue to operate till the disposal of Family Court

Appeal No.184 of 2015 unless it is modified by subsequent orders of this Court.

5. Civil Application No.264 of 2016 and Civil Application No.279 of 2015 shall stand disposed of with liberty to file appropriate application at appropriate stage.

6. Contempt Petition No.107 of 2015, Contempt Petition No.237 of 2016 and Contempt Petition (St) No.16051 of 2016 shall stand disposed of.

(SMT ANUJA PRABHUDESSAI J.)

(A.S. OKA J.)